

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Acceleration of Broadband Deployment:	)	WC Docket No. 11-59
Expanding the Reach and Reducing the Cost of	)	
Broadband Deployment by Improving Policies	)	
Regarding Public Rights of Way and Wireless	)	
Facilities Siting	)	

**COMMENTS OF CITY OF CORVALLIS, OREGON**

These Comments are filed by City of Corvallis, Oregon in response to the Notice of Inquiry (Notice), released on April 7, 2011, in the above-entitled proceeding.

**INTRODUCTION**

Corvallis is nestled in the heart of Oregon's Willamette Valley, within 90 minutes of the Portland Metropolitan area, world class skiing, and the spectacular Oregon coast. Corvallis has a residential population of 54,462 and is home to Oregon State University. We are an award-winning City that has been recognized as one of the best college towns, one of the top ten places to live, and as having the highest Peace Corps volunteers per capita and the most green buildings per capita. The City was recognized for exceeding standards established by the International City Manager's Association Center for Performance Measurement and was ranked #1 on the Environmental Protection Agency's national list of Green Power Communities.

Corvallis has enjoyed wire-line broadband services from ILEC telephone, cable TV, and other private sector carriers for many years. In addition, wireless broadband has been steadily increasing with multiple wireless phone and Wi-Max providers. Corvallis has one of the highest connectivity rates of any community its size. The presence of Oregon State University, world renowned for research, has driven the need for fast, reliable broadband services. In addition, Hewlett Packard has a large (about 10,000 people at peak) facility in Corvallis, creating many high-tech support businesses that demand high-speed broadband.

**RIGHTS OF WAY AND WIRELESS FACILITIES SITING ISSUES**

Section II of the Notice, Rights of Way and Wireless Facilities Siting Issues, includes six subsections. Here, those six subsections are grouped and addressed in the following manner:

- Timeliness, Ease, and Reasonableness of the Permitting Process and Charges;
- Qualitative Information; and
- Experience Implementing Local Regulations Related to Rights of Way and Wireless Facilities Siting.

### **Timeliness, Ease, and Reasonableness of the Permitting Process and Charges**

The City of Corvallis treats all Rights of Way users the same regardless of whether they are telecommunications, electrical, or other. Ad hoc reports from providers indicate that Permits for construction seem relatively easy to obtain and at a reasonable fee. Municipal authorities use long-established public processes to ensure that Permit fees are set at a rate to help the City recoup some of the expenses incurred monitoring and coordinating utility work in the Right of Way. Construction requirements are clearly communicated to all would-be Right of Way occupants prior to permitting to reduce the likelihood of rework of design plans and permit applications. Utility providers are treated as partners with the City in providing valuable services and their input is sought during proposed permit or process changes to ensure their and the City's needs are met without creating an undue burden on either party.

Telecommunication facilities located outside of public Rights of Way are managed by the City's Land Development Code in light of publically established land use provisions. These facilities are either permitted outright, or subject to a land use process depending on the characteristics of the facility and its proposed location. When a proposed telecommunication facility requires a land use process, a final decision will be issued by the City within 120 days of a complete application for a freestanding facility and within 90 days for a co-located facility. Land use applications are subject to a reasonable review fee. The Land Development Code provides clear and objective development standards for the siting and installation of telecommunication facilities for the benefit of the provider and the City.

The City has not received any complaints from broadband providers about the permitting process, fee amounts, or timelines. In fact, City staff are accustomed to just the opposite. Because all users of the Rights of Way are treated equally in the Permitting process and because of the City's commitment to help bring new services to the community, broadband providers enjoy a cooperative relationship with the Permitting staff and other City departments.

### **Qualitative Information**

The City's Rights of Way management regarding telecommunications seeks to:

- a) Promote competition on a competitively neutral basis in the provision of telecommunications services;
- b) Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to businesses, institutions and residents of the City;
- c) Permit and manage reasonable access to the public rights-of-way of the City for telecommunications purposes on a competitively neutral basis and conserve the limited physical capacity of those public rights-of-way held in trust by the City;
- d) Assure that the City's current and ongoing costs of granting and regulating private access to and the use of the public rights-of-way are fully compensated by the persons seeking such access and causing such costs;
- e). Secure fair and reasonable compensation to the City and its residents for permitting private commercial use of the public right-of-way;
- f). Assure that the City can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;

- g) Enable the City to discharge its public trust consistent with the rapidly technological developments.

**Experience Implementing Local Requirements Related to Rights of Way and Wireless Facilities Siting**

The City is experienced at updating its policies and procedures using a variety of public processes. For example, on March 12, 1998, after study of the federal Telecommunications Act of 1996, the City reviewed its policies and procedures and in a public process amended its Land Development Code pertaining to wireless telecommunication facilities. Telecommunication facilities are either permitted outright, or subject to a land use process depending on the type of facility and its proposed location. Outright permitted facilities require only building permits prior to installation. For facilities that are subject to a land use process, the City will issue its final decision within 120 days.

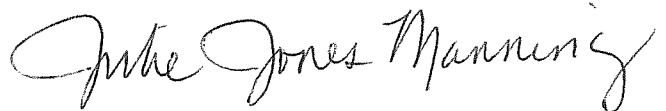
Then, in 1999, again in a public process, the City adopted a comprehensive telecommunications ordinance that updates and outlines what is required of telecommunications providers wishing to provide service in Corvallis' public Rights of Way. As such, Corvallis enjoys many broadband providers, whether it be the Cable TV company, the incumbent Local Exchange Carrier (Qwest), private Internet Service Providers, many cell phone companies, and Wi-Max providers. It's clear the City's policies on Rights of Way and cell tower siting have not deterred and do not deter broadband capital investment in Corvallis.

On November 18, 2009, the Federal Communications Commission issued a declaratory ruling requiring jurisdictions to issue a final decision on siting applications within specified timelines. The timeframe to issue a final decision on a collocation application is 90 days, and a final decision needs to be issued within 150 days for all other applications. Oregon state law requires that all land use applications receive a final decision within 120 days. The City of Corvallis has and will comply with all timeframes herein described.

**CONCLUSION**

The City of Corvallis would like to thank the Commission for its efforts to better understand the practices and policies surrounding cities' management of public rights of way. The City of Corvallis strongly encourages the Commission to consider its comments, as well as those submitted by all cities, before taking any action that may adversely affect the rights of way authority of cities. The City of Corvallis respectfully reminds the Commission that it must resist moving forward in any other context to act on any of the issues raised in the Notice until the record in this proceeding is complete.

Respectfully submitted,  
City of Corvallis

A handwritten signature in cursive script, reading "Julie Jones Manning".

By: Julie Jones Manning, Mayor